

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

DEC 15 2006

REMARKS

Claims in the Application. Claims 1, 18, 19 and 25 been amended herein. Claims 26-35 and 46 have been cancelled from this application. Claims 47-48 have been added to this application. Accordingly, Claims 1-25, 36-45 and 47-48 are active in this application. Reconsideration is respectfully requested.

Examiner's Rejection Under 35 U.S.C. § 103(a). The Examiner maintains the rejection of Claims 1-25 and 36-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,502,082 ("*Unger*"), U.S. Patent No. 5,965,651 ("*Ishit*") and U.S. Patent No. 5,077,336 ("*Nakashita*"). This ground for rejection is traversed.

The claims of Applicants are directed to a thermal insulating composition of a water-superabsorbent polymer, viscosifying polymer and water and/or brine. The water-superabsorbent polymer is capable of absorbing a minimum of its own weight in water. As set forth in Claim 1, the composition is pumpable. As reflected in Claim 37, the composition contains between from about 20 to about 99 weight percent of water and/or brine. Such compositions are used to control undesired heat loss from production tubing or heat transfer to an outer annuli. The presence of the water-superabsorbent polymer in the thermal insulating composition locks up or eliminates free water which, in turn, controls convection. The superabsorbent-containing insulating composition claimed by Applicants has improved insulation over a corresponding insulating composition which does not contain a superabsorbent.

Unger discloses a process of making a crosslinked porous solid. The hydrogel of *Unger* is *not* a superabsorbent. Instead, the solid crosslinked porous absorbent body of *Unger*, derived from the hydrogel, is the superabsorbent. Note that the gelling agent functions as the crosslinking agent and the gelling agent is added to the hydrogel in order to form the crosslinked polymer which, in turn, when dried, is the superabsorbent. Note col. 5, l. 65 through col. 6, l. 29-30 of *Unger* wherein it is noted that the gelling agent "is reactive with the polymer to set or coagulate the pregel" (emphasis added). Thus, the absorbent material in *Unger* is the final reaction product of pregel and crosslinking agent; the hydrogel serving as a building block to make the porous solid. The solid absorbent is used to make such products as wall panels having insulation qualities (col. 12, ll. 31-41) wherein the hollow matrix (capable of entrapping air) renders the requisite insulation.

Unlike the solid absorbents of *Unger*, the thermal insulating composition of Applicants is

BEST AVAILABLE COPY

a pumpable liquid which contains a superabsorbent. The claims of Applicants recite a viscosifying agent *in combination with* the water-superabsorbent polymer. *Unger* only discloses a process of making a solid superabsorbent. *Unger* does not disclose a thermal insulating composition of a viscosifying agent and superabsorbent. Further, in order to be pumpable, the claims of Applicants also recite water and/or brine. *Unger* is not directed to a pumpable composition. Thus, the thermal insulating composition defined in Applicants' claims is not disclosed in *Unger*.

Ishii, like *Unger*, discloses a process of making an absorbent material. The Examiner relies upon lines 26-59 of column 16, lines 3-20 of column 21 and the working Examples to support her rejection that *Ishii* discloses the combination of superabsorbent polymer and viscosifying polymer. A clear reading of the cited passages (and the remaining portions) of *Ishii* illustrates that such materials are used to make a "liquid-absorbing material composition", as referenced in the Examples. This composition contains a crosslinking agent, copolymer, water, organic solvent and plasticizer. Note, for instance, that the "liquid-absorbing material composition" of claim 1 of *Ishii* is illustrated by Examples 1-7. This composition is *not* a liquid absorbent material. Claim 1 of *Ishii* clearly states the invention to be "a composition for preparing a liquid-absorbing material". The liquid-absorbing material in *Ishii* is the molded product. Note Examples 8-14 of *Ishii* directed to forming a molded product from such compositions which, in turn, exhibit "liquid absorption magnifications". See, col. 24, ll. 1-7. Thus the liquid absorbing material of *Ishii* is not the "liquid-absorbing material composition" described in col. 2, l. 64 through col. 4, l. 61. The liquid-absorbing material of *Ishii* is the molded product. Note further claim 12. *Ishii* does *not* disclose the addition of a viscosifying polymer and water or brine to the absorbent molded product. Thus, *Ishii* does not disclose the combination of water-superabsorbent polymer, viscosifying polymer and water and/or brine as claimed by Applicants.

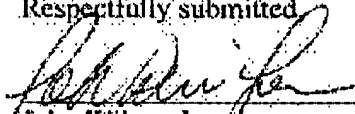
Nakashita discloses a composition containing a plasticizer, water-soluble or absorbing gel and polyvinyl chloride. An emulsifier is further required in order to properly mix the water-soluble gel or suspension and polyvinyl chloride. The resulting product is a flexible rubber which is capable of retaining its shape. Thermal insulating compositions, as stated *supra*, must be pumpable and clearly could not behave like rubber. In any event, the composition of *Nakashita* does not disclose the combination of a water-absorbent polymer and a viscosifying

agent. At best, the passages relied upon by the Examiner (col. 2, ll. 10-36 and col. 3, ll. 25-39) are directed to the production of a water-absorbing gel or polymer. Note that the "water-soluble polymers" of column 2 of *Nakashita* are used as an alternative to the "water-absorbing high polymer". The combination of water-absorbent polymer and viscosifying polymer is not disclosed, nor suggested, by these passages. Reconsideration therefore is respectfully requested.

Applicants request the Examiner to contact the undersigned for any reason deemed prudent to expedite the handling of this application and issuance of a Notice of Allowance.

Respectfully submitted

Dated: December 15, 2006


John Wilson Jones
Registration No. 31,380

JONES & SMITH LLP
2777 Allen Parkway, Suite 800
Houston, Texas 77019
Telephone No.: (713) 528-3100
Facsimile No.: (713) 893-6076

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.6(d)

I hereby certify that this correspondence is being transmitted by facsimile, 571-273-8300, to the Commissioner for Patents, P.O. Box P.O. Box 1450, Alexandria, VA 22313-1450 on this the 15th day of December 2006.


Beth A. Sanders